

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 208

Introduced By: Aguilar, 35

Read first time: January 9, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to bonds; to amend section 52-118, Reissue
2 Revised Statutes of Nebraska; to change a bond requirement
3 for certain public building projects; and to repeal the
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 52-118, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 52-118. (1) Except as provided in subsection (2) of this
4 section, it shall be the duty of the State of Nebraska or any
5 department or agency thereof, the county boards, the contracting board
6 of all cities, villages, and school districts, all public boards
7 empowered by law to enter into a contract for the erecting,
8 furnishing, or repairing of any public building, bridge, highway, or
9 other public structure or improvement, and any officer or officers so
10 empowered by law to enter into such contract, to which the general
11 provisions of the mechanics' lien laws do not apply and when the
12 mechanics and laborers have no lien to secure the payment of their
13 wages and suppliers who furnish material and who lease equipment for
14 such work have no lien to secure payment therefor, to take from the
15 person as defined in section 49-801 to whom the contract is awarded a
16 payment bond or bonds in a sum not less than the contract price with a
17 corporate surety company and agent selected by such person,
18 conditioned for the payment of all laborers and mechanics for labor
19 that is performed and for the payment for material and equipment
20 rental which is actually used or rented in the erecting, furnishing,
21 or repairing of the public structure or improvement or in performing
22 the contract.

23 (2) The labor and material payment bond or bonds referred to
24 in subsection (1) of this section shall not be required for ~~(a) any~~
25 ~~project bid or proposed by the State of Nebraska or any department or~~
26 ~~agency thereof which has a total cost of fifteen thousand dollars or~~
27 ~~less or (b) any project bid or proposed by any county board,~~

1 ~~contracting board of any city, village, or school district, public~~
2 ~~board, or officer referred to in subsection (1) of this section~~
3 which has a total cost of ~~five~~ fifteen thousand dollars or less
4 unless the state, department, agency, board, or officer includes a
5 bond requirement in the specifications for the project.

6 (3) The bond or bonds referred to in subsection (1) of this
7 section shall be to, filed with, approved by, and safely kept by the
8 State of Nebraska, department or agency thereof, officer or officers,
9 or board awarding the contract. No contract referred to in subsection
10 (1) of this section shall be entered into by the State of Nebraska,
11 department or agency thereof, officer or officers, or board referred
12 to in subsection (1) of this section until the bond or bonds referred
13 to in subsection (1) of this section has been so made, filed, and
14 approved.

15 (4) The bond or bonds referred to in subsection (1) of this
16 section may be taken from the person to whom the contract is awarded
17 by the owner and owner's representative jointly as determined by the
18 owner. The corporate surety company referred to in subsection (1) of
19 this section shall have a rating acceptable to the owner as the owner
20 may require.

21 Sec. 2. Original section 52-118, Reissue Revised Statutes of
22 Nebraska, is repealed.